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Of Attorneys for Amy Mitchell,

Chapter 7 Trustee

CLERK US BANKRUPTCY COURT  
DISTRICT OF OREGON

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**UNITED STATES BANKRUPTCY COURT**

**FOR THE DISTRICT OF OREGON**

In re

**GKPS, Inc.,**

Debtor.

Case No. 04-34670-tmb7

**MOTION FOR SUBSTANTIVE  
CONSOLIDATION UNDER § 105(a)**

**ORAL ARGUMENT REQUESTED**

Amy Mitchell, Trustee ("Trustee") for the Chapter 7 bankruptcy estate of GKPS, Inc., hereby moves the Court for an order, pursuant to 11 U.S.C. § 105(a) and Fed. R. Bankr. P. 1015, substantively consolidating the estate of GKPS with the estate of Symphony Healthcare V (as consolidated) ("Symphony Debtor"), currently in bankruptcy under case 04-32593 in this Court ("GKPS"), and with the non-debtor estates of Symphony III, Inc., an inactive corporation organized under the laws of the State of Tennessee ("Symphony III"), and Hospital and Surgical Center Management Services, L.P., a limited partnership organized under the laws of the State of Nevada, whose authority was revoked on December 1, 2004 ("HSC") (collectively the "Symphony Entities").

The Trustee moves the Court for an order substantively consolidating the Symphony Entities into a single estate, *nunc pro tunc*, to March 23, 2004, the date on which the first of the entities comprising the Symphony Debtor were placed into involuntary bankruptcy, with an express preservation for the consolidated estate of any and all claims held at the time of

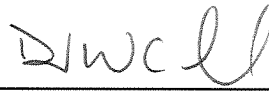
consolidation by any and all of the Symphony Entities against persons or entities other than the Symphony Entities.

In support of this Motion, the Trustee relies on the accompanying Memorandum of Law and the Affidavit of Matthew A. Goldberg, along with the exhibits associated therewith.

DATED July 18, 2006

BALL JANIK LLP

By: \_\_\_\_\_



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Chapter 7 Trustee

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6th Floor, Snodgrass Tower  
Nashville, TN 37243

HOSPITAL AND SURGICAL CENTER  
MANAGEMENT SERVICES, L.P.  
c/o Nevada Secretary of State  
101 North Carson Street, Suite 3  
Carson City, NV 89701-3714

20 Largest Creditors (Conversion Schedules)

Western National Bank  
c/o Paul Lucas  
2710 N. Grandview  
Odessa, TX 79760

HMS Monitor  
c/o Pat Douglas  
3102 West End Ave. #400  
Nashville, TN 37203

Marsh  
c/o John Goley  
P.O. Box 198951  
Atlanta, GA 30384-8951

Lattimore, Black, Morgan & Cain  
c/o Margaret Strickland  
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Brentwood, TN 37024-1869

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c/o Leigh Walton  
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Rancho Cordova, CA 95670-7985

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c/o D. Symes  
1201 Third Ave 40<sup>th</sup> Floor  
Seattle, WA 98101-3099

LBMC Healthcare Group LLC  
c/o Margaret Strickland  
5250 Virginia Way  
Brentwood, TN 37204-1869

Sidus, LLC  
c/o Sally Shebeck  
8200 S. Quebec St. #A3-308  
Centennial, CO 80112

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116 Long Hollow Way  
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Computer Marketing Corp.  
c/o T.J. Braumiller  
2018 Lindell Avenue  
Nashville, TN 37203

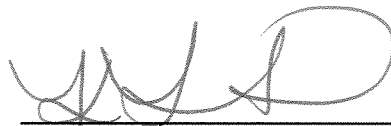
T-Mobile  
P.O. Box 742596  
Cincinnati, OH 45274-596

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5030 East University #D-103  
Odessa, TX 79762

by the following indicated method or methods:

- ☒ by **mailing** a full, true and correct copy in a sealed first-class postage prepaid envelope, addressed to the parties listed above, and deposited with the United States Postal Service at Portland, Oregon on the date set forth below.

DATED July 18, 2006



Kimberly Ackerman, Legal Secretary